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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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TOYE D. FRAZIER,

Plaintiff,

*versus*

AARON LEWALYNN, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:16-CV-150

**MEMORANDUM ORDER PARTIALLY ADOPTING THE  
MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

Plaintiff, Toye D. Frazier, a prisoner formerly confined at the Larry Gist Unit with the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983.

The court referred this matter to the Honorable Keith Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends plaintiff’s civil rights action be dismissed for want of prosecution pursuant to Federal Rule of Civil Procedure 41(b).

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, and pleadings. No objections to the Report and Recommendation have been filed to date. Plaintiff did, however, file a motion to voluntarily dismiss his claims on October 26, 2016.

## ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **PARTIALLY ADOPTED** to the extent it recommends dismissal. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

SIGNED at Plano, Texas, this 7th day of November, 2016.

A handwritten signature in cursive script, reading "Marcia A. Crone".

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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE